

Claim 18 is hereby cancelled, and claims 20 and 23 are hereby amended to depend from claim 21. Applicant therefore believes Yamada does not anticipate the outstanding claims.

Applicant also respectfully submits that Clavin does not anticipate claim 21 or the claims depending therefrom. To be unpatentable over prior art under §102(b), a claim is anticipated only if each and every element as set forth in the claim is found, expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir 1987). The identical invention must be shown in complete detail as is contained in the...claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989); see also, MPEP § 2131.

Furthermore, anticipation is established only when a single prior art reference discloses expressly or under the principles of inherency, each and every element of the claimed invention.” RCA Corp. v. Applied Digital Data Systems, Inc., 221 U.S.P.Q. 385 (Fed. Cir. 1984). The standard for lack of novelty, that is, for “anticipation,” is one of strict identity. “A rejection for anticipation under §102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference.” In re Paulsen, 31 U.S.P.Q. 2d 1671, 1673 (Fed. Cir. 1994) (emphasis added).

Nowhere in the Clavin reference does it disclose or suggest a latch housing having a first and second chamber and a recessed portion between said first and second chambers. Clavin discloses a housing 11, however, nowhere is there shown or

described a first or second chamber with a recessed portion between, as required by Applicant's Claim 21.

Furthermore, nowhere does Clavin disclose or suggest a push button unit intermediate between said second chamber and said handle. Clavin shows a push button 40 that is wholly separate from the handle, which is very different than Applicant's invention. Nowhere does Clavin disclose a push button unit intermediate between a handle and a chamber as recited in Applicant's Claim 21. Applicant respectfully requests reconsideration of Claim 18, and believes it to be allowable.

Moreover, nowhere does Clavin disclose or suggest a push button unit that may be rotated. As the Examiner noted, Clavin discloses a push button unit 40. While the lock 45 of Clavin may rotate, typical of such locks, push button unit 40 may not be rotated whatsoever. Thus, nowhere does Clavin disclose or suggest a push button unit that may be rotated as recited in Applicant's Claim 21. Applicant therefore respectfully requests reconsideration of Claim 21, and believes it to be allowable.

Because Claims 20, 22 and 23 depend from allowable independent Claim 21, Applicant believes them also to be allowable.

If the Examiner believes that a telephone conference would be of value in expediting the prosecution of the present application, Applicants invite the Examiner to contact the undersigned counsel to arrange for such a conference. Applicants believe and contend that all of the foregoing new claims represent a single patentable invention, but if the Examiner should take a contrary position, Applicants would provisionally

Application No. Not Yet Assigned
Preliminary Amendment dated August 22, 2003
Attorney Docket No. 03-12265

elect the foregoing method claims for the sole purpose of advancing the prosecution of the present application, without prejudice to any future prosecution of any non-elected claims.

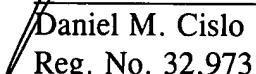
With the above-referenced preliminary amendments, it is believed that the application is in a condition for examination; and Applicants respectfully request Examiner to pass the application on to examination.

It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: August 22nd, 2003


Daniel M. Cislo
Reg. No. 32,973

CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401
Tel: (310) 451-0647
Fax: (310) 394-4477
www.cislo.com

Z:\TMDOCS\03-12265\PRELIMINARY AMENDMENT.DOC